

REMARKS

I. Summary

Applicant thanks Examiner Akintola for the thorough examination. Applicant also thanks Examiners Akintola and Kazimi for the courtesies extended to Applicant during the telephone conversation with Applicant's representative, Joseph Flerlage, on November 12, 2009. During the telephone conversation, Examiners Akintola and Kazimi discussed the Office Action mailed September 16, 2009 ("Office Action") and the prior art cited therein. The substance of the interview is reflected in the remarks below.

To recap, the Office Action set forth the following rejections:

- Claims 1, 2, 5, 6, 11, 22, 26-27, and 30 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent Application 2002/0156716 ("Adatia").
- Claims 4, 7, 8, and 23-25 was rejected under 35 U.S.C. § 103 as unpatentable over Adatia in view of U.S. Patent Application 2002/0116205 ("Ankireddipally")
- Claim 9 was rejected under 35 U.S.C. § 103 as unpatentable over Adatia in view of U.S. Patent Application Publ. 2003/0126068 by ("Hauk")
- Claim 28 was rejected under 35 U.S.C. § 103 as unpatentable over Adatia in view of U.S. Patent 6,519,574 to ("Wilton")
- Claim 29 was rejected under 35 U.S.C. § 103 as unpatentable over Adatia in view of U.S. Patent 6,912,511 ("Marynowski")

No claims have been amended. Applicant submits that the pending claims are allowable for at least the following reasons:

II. Related Applications

Applicant again reminds the Examiner that the present application is related through a claim of priority to U.S. Patent Application Serial Nos. 11/416,459 and 11/416,473. For the purposes of the present application, Applicant hereby rescinds any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related application and respectfully requests examination of each pending claim according to the claim language in light of the prior art without importing statements made by the Applicant in the prosecution of any related application.

III. Rejections Under 35 U.S.C. §§ 102 and 103

The claims include two orders to buy or sell a tradeable object. The first order is for a first tradeable object and is received from a trader in an order message that includes a market event request. The market event request includes both a condition and an action that includes sending the second order to buy or sell a second tradeable object to a second electronic exchange. The condition is detected at the first electronic exchange, and in response the second order to buy or sell the second tradeable object is sent from the first electronic exchange to the second electronic exchange. In addition, the claims identify that the second tradeable object is different from the first tradeable object, and the tradeable objects matched at the first exchange are different than tradeable objects matched at the second exchange.

Accordingly, the claims include the general features for:

- 1) sending **a second order to buy or sell a second tradeable object from the first electronic exchange to the second electronic exchange** in response to detecting the condition, where:
 - a. **the second tradeable object is different from the first tradeable object**, and
 - b. tradeable objects matched at the first exchange are different than tradeable objects matched at the second exchange.

In contrast to the claims, Adatia discloses an order entering, routing and filtering system that determines whether the order can be automatically executed. (Abstract). In Adatia, an order is entered, filters are applied to determine whether it may be automatically processed, and then that order is routed to its destination where it can be automatically executed. (par. [0007]). The order will be automatically processed and forwarded to a trading exchange to be filled only if certain pre-defined criteria are met after the order passes through a series of filters. (par. [0005]). If the order does not pass through the filters, it is passed to the trader for further processing. (par. [0005]).

Figure 1 shows the order entry, routing and filtering of Adatia. In Figure 1, order 14 is placed by a client, encrypted, and then sent through a firewall. (par. [0016]). The same order 14 passes through broker filters, and then to either trader filters if the order 14 passes the broker filters, or a broker if the order 14 does not pass the broker filters. (par. [0021]). If rejected by the broker filters, the order 14 may be resubmitted in the same way as originally placed. (par.

[0021]). After clearing the broker filters, the order 14 is then sent to the trader filters, and then routed through the compliance filters. (pars. [0023] and [0025]). After passing the compliance filters, the order 14 then may be routed to an appropriate trading exchange or filled from inventory of the brokerage. (par. [0026]).

Figure 1 illustrates the same order -- order 14 -- routed from the client through the filters to an exchange. Adatia discloses that, to get to the exchange, the order 14 passes through broker filters, then to trader filters, and then through compliance filters. After the compliance filter, the order is finally directed to the exchange. (par. [0026]). There is no disclosure of a new or second order, or a new or second order being sent from the exchange. Accordingly, Adatia discloses filtering and routing of only one order to an exchange.

Applicant respectfully submits that features of the claims are not disclosed or suggested by the cited art. First, Applicant points out that there is only a single exchange in Adatia. Figure 1 of Adatia, illustrates that an order placed by the client may be directed to the single exchange 52. There is no disclosure of detecting a condition of a market request received at exchange 52 and in response sending an order to another exchange. There simply is no disclosure or suggestion of another exchange or even that order may be sent from exchange 52. Thus, there is no disclosure or suggestion in Adatia for sending an order to buy or sell a tradeable object from the first electronic exchange to a second electronic exchange as included in the claims.

Second, even though Applicant asserts Adatia does not disclose two exchanges, to the extent that the rejection is based on a reading that the system with filters and inventory of Adatia is a first exchange, and that exchange 52 is a second exchange, Applicant points out that the tradeable objects filled by the inventory are not different than tradeable objects matched at the exchange 52. Adatia discloses that the order 14 may be filled by the inventory 14 or directed to the exchange 52. There is no disclosure or suggestion that more, less or different orders can be executed at the exchange 52 than can be filled by the inventory 50. Instead, Adatia discloses that the exchange can match the same orders that can be filled by the inventory. The decision of whether to fill the order from inventory or direct the order to the exchange is made by the setting of the trader. (par. [0032]). Thus, orders filled by inventory and order executed at the exchange 52 or directed to the exchange are the same. Therefore, even a reading that there are two exchanges does not disclose or suggest the feature that an order is sent from a first exchange to a

second where tradeable objects matched at the first exchange are different than tradeable objects matched at the second exchange. There simply is no second exchange in Adatia where tradeable objects matched at the second exchange are different than tradeable objects matched at the first exchange.

Third, Applicant further points out that there is only one order to buy or sell a tradeable object – order 14. Adatia discloses that order 14 is routed from the client through the filters and either filled out of inventory of the brokerage or directed to the exchange. (par. [0026], [0027], [0028], and [0032]). In either instance, there is only one order – order 14 – which is also the same order for a security placed by the client. There is no second order to buy or sell a second tradeable object that is different from the first tradeable object that is sent to the second electronic exchange as included in the claims. In all cases, Adatia discloses that it is the same order for the same security. In fact, Figure 1, shows only one order, which is also the same order that the client entered. An order that is received by the exchange 52 is the same order 14 that was placed by the client and routed through the filters. That is, in response to detecting a condition, order 14 is either filled from inventory of the brokerage or sent to the exchange. There is never a second order to buy or sell a second tradeable object that is different from the first tradeable object sent to the exchange in Adatia. Accordingly, even to the extent that the rejection is based on a reading that Adatia discloses first and second exchanges, Applicant points out that there still is no second order for a second tradeable object different from the first tradeable object of the first order that is sent from a first exchange to a second exchange. There is only one order for one tradeable object in Adatia.

As such, the features for “sending a second order to buy or sell the second tradeable object on behalf of the trader from the first electronic exchange to the second electronic exchange, wherein the second tradeable object is different from the first tradeable object, wherein tradeable objects matched at the first exchange are different than tradeable objects matched at the second exchange” in response to detecting the condition as included in the claims is entirely missing from Adatia. Applicant points out that the other cited references to Ankireddipally, Hauk, Wilton, and Marynowski also do not disclose or suggest these features. Accordingly, features of the claims are entirely missing from the cited art. Because features of

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the claims are missing from the cited art, the invention of the claims would not be obvious over the cited art. Withdrawal of the rejection is respectfully requested.

IV. Conclusion

In view of the foregoing, Applicants respectfully submits that the claimed invention is not disclosed or suggested by the cited art. Favorable consideration and withdrawal of the rejections are respectfully requested. The Examiner is invited to contact Applicant's representative, Joseph Flerlage at (312) 698-6065, to expedite consideration of the application.

Respectfully submitted,

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By: /Thomas J. Loos/
Thomas J. Loos
Reg. No. 60,161